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Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No.: 703/305-3230 on December 6, 2001). The communication includes 10 pages.

Signature of Sender:

Paul Vincent

Name of Sender:

PAUL VINCENT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	BERGER, Thomas et al.) Examiner:
Application No.:	09/914,950) unknown
PCT Filing Date:	May 24, 2000) Art Unit:
For:	ELECTRODE UNIT FOR) unknown
	RECHARGEABLE)
	ELECTROCHEMICAL CELLS)

Atty. Docket NO.: 18446.3

TRANSMITTAL LETTER IN RESPONSE TO A NOTIFICATION OF
MISSING REQUIREMENTS UNDER 35 USC 371

BOX PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

U.S.A.

Dear Sir:

Transmitted herewith is a response to missing requirements under 35 USC 371 in the above identified application.

- () The fee has been calculated as shown below:
- () A Petition for Extension of time under 37 CFR 1.136(a)
- () Please charge Deposit Account Number 50-0698 in the amount of \$ for the Extension fee.
- (X) The Commissioner is hereby authorized to charge payment of fees associated with this communication or credit any overpayment to Deposit Account Number 50-0698.
- (X) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- () Return Postcard Receipt
- () New Declaration

Respectfully submitted

Paul Vincent

Dr. Paul Vincent
Reg.No. 37,461

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	BERGER, Thomas et al.) Examiner:
Application No.:	09/914,950) unknown
PCT Filing Date:	May 24, 2000) Art Unit:
For:	ELECTRODE UNIT FOR) unknown
	RECHARGEABLE)
	ELECTROCHEMICAL CELLS)

Atty. Docket No.: 18446.3

Box PCT

Assistant Commissioner for Patents

Washington D.C. 20231

USA

Dear Sirs:

This communication is in response to the Notification of Missing Requirements under 35 USC 371 in the subject patent application mailed October 24, 2001.

STATEMENT OF FACTS

On November 13, 2001 the Applicant received a Notification of Missing Requirements under 35 USC 371 stating that the received Declaration was not executed. On November 16, 2001 the Agent for the Applicant called the PCT help desk and

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spoke with Diana Oleksa requesting that she inspect the file for the submitted Declaration, since the Applicants' records show that a signed Declaration had been filed. On November 20, 2001 the Agent for the Applicant received a fax from Ms. Oleksa informing him that a signed Declaration had been submitted.

EVIDENCE IN SUPPORT OF THESE FACTS

Enclosed are true copies of the Declaration as filed, Notification of Missing Requirements, and fax from Diana Oleksa. The Declaration is signed at the bottom of page two.

REQUEST

The applicant requests acceptance of this application under 35 USC 371 and waiver of the fee under 37 CFR 1.492(e), since an obvious USPTO error obtains.

Respectfully submitted,

Paul Vincent

Dr. Paul Vincent

Registration Number 37,461

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Telephone +49-721-9432815
Fax +49-721-9432840

Enclosures:

Declaration;

Notification; and

Fax

13. Nov. 2001

U.S. APPLICATION NUMBER NO.		
09/914,950		
FIRST NAMED APPLICANT		
Thomas Berger		
ATTY. DOCKET NO.		
18446.3		

Dr. Paul J. Vincent
Lichti Lempert & Lasch
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GERMANY

PATENTANWÄLTE
(26.01.)
13.11.2001
24.12.01

INTERNATIONAL APPLICATION NO.	
PCT/EP00/04733	
I.A. FILING DATE	PRIORITY DATE
05/24/2000	05/26/1999

CONFIRMATION NO. 6579
371 FORMALITIES LETTER

OC00000006966968

Date Mailed: 10/24/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY

= 26.01.2002

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DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/914,950	PCT/EP00/04733	18446.3